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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

182
Julie
10/11/91

The application of: Richards et al.

Serial No.: 07 / 220,108

Group No.: 182

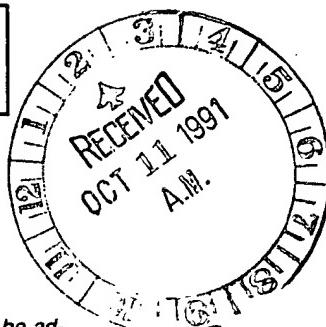
Filed: June 24, 1988

Examiner: Scheiner, L.

For: Method and Reagents for Amplifying and Detecting Nucleic Acid Sequences

19

RESPONSE UNDER 37 CFR 1.116
- EXPEDITED PROCEDURE -
EXAMINING GROUP 182



Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

NOTE: To take advantage of the expedited procedure the envelope in which this paper is mailed must be addressed as shown and must also be marked "Box AF" in the lower left hand corner. Alternatively this paper can be hand carried to the particular Examining Group or other area of the Office in which the application is pending, in which case any envelope in which this paper is placed must be marked as in the bold type box above. Notice of September 20, 1985 (1059 O.G. 19-20).

AMENDMENT OR RESPONSE AFTER FINAL REJECTION—TRANSMITTAL

- Transmitted herewith is an amendment after final rejection (37 CFR 1.116) for this application.

STATUS

- Applicant is

- a small entity—verified statement:
 attached.
 already filed.
 other than a small entity

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Box AF, Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Beverly R. Arties

(Type or print name of person mailing paper)

Beverly R. Arties

(Signature of person mailing paper)

Date: Oct. 7, 1991

(Amendment or Response After Final Rejection—Transmittal (37 CFR 1.116) page 1 of 4)

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01-0519 110 117

730.00CH

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

- (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$100.00	\$50.00
<input type="checkbox"/> two months	\$300.00	\$150.00
<input checked="" type="checkbox"/> three months	\$730.00	\$365.00
<input type="checkbox"/> four months	\$1,150.00	\$575.00
		<u>Fee \$ 730.00</u>

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDT. FEE OR RATE
TOTAL • 43	MINUS ** 39	= 4	x10= \$	x20= \$ 80.00
INDEP. • 6	MINUS *** 6	= 0	x30= \$	x60= \$ 0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM		+100=	\$	+200= \$
			TOTAL ADDT. FEE \$	OR TOTAL ADDT. FEE \$ 80.00

- If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
 - ** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".
 - *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

(complete (c) or (d) as applicable)

- (c) No additional fee for claims is required.

OR

- (d) Total additional fee for claims required \$ 810.00

FEE PAYMENT

5. Attached is a check in the sum of \$ _____
- Charge Account No. 01-0519 the sum of
\$ 810.00

A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1988, 1065 O.G. 31-33.

6. If any additional extension and/or fee is required, charge Account No. 01-0519

(Amendment Transmittal [9-19]—page 3 of 4)

AND/OR

If any additional fee for claims is required, charge Account No.
01-0519

Reg. No.: 31,222

Tel. No.: (805) 499-5725

SIGNATURE OF ATTORNEY

Julia F. Abers

Type or print name of attorney

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P.O. Address

Thousand Oaks, CA 91320-1789



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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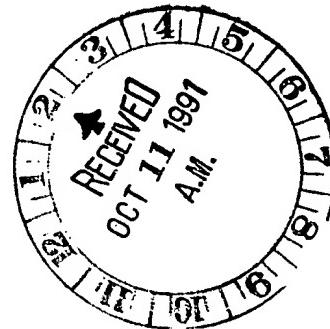
Applicant: Rodney M. Richards)
Theodore Jones)
Serial No.: 220,108)
Filed: June 24, 1988)
For: Method and Reagents for)
Amplifying and Detecting)
Nucleic Acid Sequences)
Group Art Unit: 180)
Examiner: Scheiner)

RESPONSE UNDER 37 CFR 1.116
-EXPEDITED PROCEDURE-
EXAMINING GROUP 180

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

This amendment is in response to the office action mailed April 4, 1991 in the above-identified application wherein claims 1-39 were rejected under 35 USC §§103 and 112. Reconsideration and withdrawal of these rejections are requested for the reasons set forth below.



Amendment of the Claims

Please amend the claims of the above-referenced application as follows.

Amend claim 1 to read as follows:

1. (Twice amended) A method of amplifying [an] a known amplification sequence of a target nucleic acid sequence comprising: